

# **Chevy Chase Village Board of Managers**

## **June 10, 2013**

***Note:** These minutes reflect the Board's actions only, and do not include remarks made by members of the Board of Managers, Legal Counsel, Village Staff or others in attendance. An audio recording of this meeting is available on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov) or by request to the Village office.*

### **BOARD OF MANAGERS**

Patricia S. Baptiste, Chair	Present
Michael L. Denger, Vice Chair	Absent
Richard M. Ruda, Secretary	Present
David L. Winstead, Assistant Secretary	Absent
Gary Crockett, Treasurer	Present
Robert C. Goodwin, Jr., Assistant Treasurer	Present
Elissa A. Leonard, Board Member	Present

### **STAFF**

Shana R. Davis-Cook, Village Manager	Present
John Fitzgerald, Police Chief	Present
Michael W. Younes, Director of Municipal Operations	Present
Demetri Protos, Finance Director	Present
Ellen Sands, Permitting and Code Enforcement Coordinator	Present
Jacqueline A. Parker, Public Safety Coordinator	Present

### **COUNSEL**

Suellen M. Ferguson, Village Counsel	Present
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Ms. Patricia S. Baptiste, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:32 p.m. Ms. Leonard arrived at 7:40 p.m.

### **Approval of Minutes from the Board's Regular Meeting held on May 13, 2013**

Minutes of the Board's regular meeting held on May 13, 2013 were circulated to the Board prior to the meeting.

*Mr. Crockett moved to approve the minutes of the Board of Managers' regular monthly meeting held on May 13, 2013, as drafted. Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Ruda, Mr. Crockett, and Mr. Goodwin voted in favor of the motion. The motion passed.*

### **Approval of Minutes from the Board's Executive Session held on May 13, 2013**

Minutes of the Board's Executive Session held on May 13, 2013 were circulated to the Board prior to the meeting.

*Mr. Goodwin moved to approve the minutes of the Board of Managers' Executive Session held on May 13, 2013, as drafted. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Ruda, Mr. Crockett and Mr. Goodwin, voted in favor of the motion. The motion passed.*

### **Variance and Special Permit Requests**

#### **A-6350 (a & b) (Special Permit): Mr. and Mrs. Peter Wellington, 18 West Lenox Street.**

- a) Construct two (2) proposed wood lattice fence panels that would measure a maximum of eight feet, six inches (8'-6") in height in the west (side) yard of the property; and
- b) Replace and widen an existing asphalt driveway, a portion of which would measure a maximum of twenty feet, three and one-half inches (20'-3 ½") in width.
- c)

*Mr. Crockett moved to direct staff to draft a decision approving the special permit request to construct two (2) proposed wood lattice fence panels that would measure a maximum of eight feet, six inches (8'-6") in height in the west (side) yard of the property. Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Ruda, Mr. Crockett and Mr. Goodwin voted in favor of the motion. The motion passed.*

*Mr. Ruda moved to direct staff to draft a decision approving the special permit request to replace and widen an existing asphalt driveway, a portion of which would measure a maximum of twenty feet, three and one-half inches (20'-3 ½") in width. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.*

#### **A-6349 (Variance): Mr. and Mrs. Peter Wellington, 18 West Lenox Street.**

Reconstruct the front stoop with three (3) treads, including one new additional tread that would encroach an additional twelve (12) inches forward of the twenty-five (25) foot front building restriction line, for a maximum total encroachment of nine (9) feet.

*Mr. Crockett moved to direct staff to draft a decision approving the variance request to reconstruct the front stoop with three (3) treads, including one new additional tread that would encroach an additional twelve (12) inches forward of the twenty-five (25) foot front building restriction line, for a maximum total encroachment of nine (9) feet. Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.*

#### **A-6348 (Variance): Mr. and Mrs. Daniel Sanders, 5610 Kirkside Drive.**

Maintain a newly installed fence with:

- a) a pair of gates that measure a maximum of four feet, ten inches (4'-10") in height in the Montgomery Street front yard;
- b) a gate that measures a maximum of four feet, six inches (4'-6") in height in the Kirkside Drive front yard; and
- c) a fence post that measures a maximum of four feet, five inches (4'-5") in height in the Kirkside Drive front yard.

*Mr. Ruda moved to direct staff to draft a decision approving the variance request to maintain a newly installed fence with (a) a pair of gates that measure a maximum of four feet, ten inches (4'-10") in height in the Montgomery Street front yard; (b) a gate that measures a maximum of four feet, six inches (4'-6") in height in the Kirkside Drive front yard; and (c) a fence post that measures a maximum of four feet, five inches (4'-5") in height in the Kirkside Drive front yard. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.*

**A-6318 (a & b) (Variance): Mr. Brendan O'Neill, 106 Newlands Street.**

Construct a new house:

- a) the proposed soffit and gutter of which would encroach a maximum of three feet, eight inches (3'-8"); and
- b) with a portico over a stoop and two treads, which will encroach a maximum of seven feet, seven inches (7'-7") forward of the twenty-five (25) foot building restriction line.

Mr. Ruda recused himself from this matter and did not participate in the Public Hearing.

*Mr. Crockett moved to direct staff to draft a decision approving the variance request to construct a new house (a) the proposed soffit and gutter of which would encroach a maximum of three feet, eight inches (3'-8"); and (b) with a portico over a stoop and two treads, which will encroach a maximum of seven feet, seven inches (7'-7") forward of the twenty-five (25) foot building restriction line, provided that a condition is placed on the property prohibiting the future construction of a rear addition on the house and prohibiting the future installation of a pool in the rear yard of the property. Mr. Goodwin seconded the motion. Ms. Baptiste, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. Mr. Ruda abstained. The motion passed.*

**Treasurer's Report**

The Treasurer's Report was distributed prior to the meeting. No action was taken by the Board.

**Police Report**

The Police Report was distributed prior to the meeting. No action was taken by the Board.

**Committee Reports**

**Selection of Board Representatives to Standing and Single Purpose Committees**

The Board deferred action until its July regular meeting.

**Old Business & Status Reports**

**Capital Improvement Program-Sidewalk Replacements**

A report was distributed prior to the meeting. During the meeting the following items were addressed:

- *No Board action was taken regarding locations where existing sections of sidewalk currently terminate mid-block.*

- *Until further direction, the Board directed staff to advise the village's sidewalk replacement contractor not to replace any sections of concrete sidewalk that are clearly scored where the sidewalk crosses the driveway.*
- *Staff was directed to contact the engineering firm who provided the Village's sidewalk construction detail to obtain further clarification of the load weight assumptions for the portion of the Village's brick sidewalks that cross driveways.*
- *The Board unanimously approved staff's following recommended sidewalk locations for replacement during FY2014:*
  - *East Irving Street*
  - *East Lenox Street*
  - *East Melrose Street (between Connecticut Avenue and Brookville Road)*
  - *Primrose Street (between 27 Primrose Street and Brookville Road)*
  - *Primrose Street (between Brookville Road and Oxford Street)*
  - *Quincy Street*
  - *West Kirke Street*
- *The Board, by unanimous consent, approved the request from the residents of 33 West Kirke Street, to not replace a 109 foot section of sidewalk in front of their property.*
- *The Board unanimously approved to extend the section of sidewalk that currently terminates mid-block in the 100 block of East Lenox Street. The sidewalk will be extended and connected to the existing sidewalk along the east side of Brookville Road.*

#### **Comcast Franchise Agreement**

No action was taken by the Board.

#### **Board Action on the Village's Dutch Elm Disease Inoculation Program**

*The Board unanimously agreed to discontinue Dutch Elm Disease inoculations of American and English Elm trees located in Village public rights-of-way, greenspaces and parks, effective immediately. The Village's Arborist will increase assessments of the existing American and English Elm trees for signs of the disease and treat trees suspected of the disease as deemed appropriate.*

#### **New Business**

##### **Board Consideration and Possible Adoption of Resolution No. 06-01-13**

An Ordinance to enact Chapter 25, "Public Rights-of-Way", to transfer certain sections of Chapter 8, "Buildings and Building Regulations" and Chapter 17, "Urban Forest", to Chapter 25, to enact Section 25-8, "Maintenance of the Public Right of Way", to require that the resident, occupant and owner of property abutting certain Village Public Rights-of-Way maintain non-ornamental grass and weeds at a height of ten (10) inches or less in that Right-of-Way and to allow for abatement and penalties.

Ms. Baptiste noted that the title block of the proposed ordinance needed to be amended to “25-9.”

*Mr. Goodwin moved to approve Resolution No. 06-01-13 with the correction noted by Ms. Baptiste above.* Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. Mr. Ruda abstained. The motion passed.

### **Board Consideration of a Proposal to Provide Contract Policing in a Neighboring Jurisdiction, the Village of Martin’s Additions**

Board action was tabled until a future meeting when all Board members are present.

Village Counsel was excused at 10:00 p.m.

### **Board Consideration of a Proposal to Acquire a Sculpture for the Village Hall**

Action was deferred pending Board consideration of an “Art in Public Places Policy.”

### **Contract/Agreement Authorization Requests:**

- Audit Services Contract: Lindsey & Associates, LLC

*Mr. Crockett moved to authorize the Village Manager to enter into a contract with Lindsey & Associates, LLC for the performance of independent audit services.* Ms. Leonard seconded the motion. Ms. Baptiste, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

- Tree Maintenance Services Contract: The Care of Trees, Inc.

*Mr. Ruda moved to authorize the Village Manager to enter into a contract with The Care of Trees, Inc. for the performance of tree maintenance services in the Village.* Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

- Chevy Chase Open Space Facility Plan Contract: A. Morton Thomas, Inc.

*Mr. Crockett moved to authorize the Village Manager to enter into a contract with A. Morton Thomas, Inc. to develop a facility plan for the Chevy Chase Open Space Urban Park.* Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

- Public Right-of-Way Restoration Agreement with the Washington Suburban Sanitary Commission following its upcoming sewer replacement project

*Mr. Crockett moved to authorize the Village Manager to enter into a restoration agreement with the Washington Suburban Sanitary Commission for the upcoming round of sewer main replacements.* Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

**Budget Transfer Request:**

Transfer \$65,000 in the FY2013 budget from the “Legal: General Counsel” category to the “Police, Operations Budget” category due to:

- A projected deficit of \$50,000 resulting from increased SafeSpeed Program Vendor’s Collections processing fees, and
- A projected deficit of \$15,000 resulting from increased vehicle maintenance and repairs expenses.

*Ms. Leonard moved to authorize the Village Manager to transfer \$65,000 from the “Legal: General Counsel” category to the “Police, Operations” category in the FY2013 budget as outlined above. Mr. Goodwin seconded the motion. Ms. Baptiste, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.*

**Manager’s Report**

The Manager’s Report was circulated prior to the meeting. No action was taken by the Board.

*Mr. Ruda moved to adjourn the meeting. Mr. Goodwin seconded the motion. Ms. Baptiste, Mr. Ruda, Mr. Crockett, Mr. Goodwin, and Ms. Leonard voted in favor of the motion. The motion passed. The meeting adjourned at 10:28 p.m.*

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Secretary, Chevy Chase Village Board of Managers

*Final.*